



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,210	09/04/2003	Eric Bergman	54008.8087.US01	7002
34055	7590	02/08/2005	EXAMINER	
PERKINS COIE LLP POST OFFICE BOX 1208 SEATTLE, WA 98111-1208			PERRIN, JOSEPH L	
		ART UNIT	PAPER NUMBER	
		1746		

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/655,210	BERGMAN ET AL.	
	Examiner	Art Unit	
	Joseph L. Perrin, Ph.D.	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 November 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 19,20 and 22 is/are allowed.
- 6) Claim(s) 1-6,8,10,12-15,17 and 21 is/are rejected.
- 7) Claim(s) 7,9,11,16 and 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Arguments

1. In view of applicant's amendment filed 15 November, the status of the application is as follows:

Oath/Declaration Objection

The objection to the Oath/Declaration is maintained. Although Applicant states that a corrected Oath/Declaration has been submitted, no such submission has been received by the Office. Applicant is required to submit a corrected Oath/Declaration in response to this Office action.

Specification Objection

The objection to the specification is withdrawn in view of Applicant's amendment to the specification.

Claims Objections

The objection of claims 15 & 21 has been withdrawn in view of Applicant's amendment to said claims.

35 U.S.C. §112 Rejection

The rejection of claim 7 is withdrawn in view of Applicant's amendment to the claim.

Double Patenting Rejection

The double patenting rejection has been overcome by Applicant's timely filed Terminal Disclaimer.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "the gas" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 10, 12-15, 17 & 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,050,073 to MCMILLAN. In Figures 1-2 and relative associated text, MCMILLAN discloses processing workpieces by placing workpieces in a workpiece support (basket 10; see Figures 2, col. 2, lines 1-17, col. 3, lines 37-44), enclosing the workpiece support with workpieces within chamber (enclosure 40 with lid/door 43; see Figure 1 & col. 3, lines 1-5), providing a process liquid in the chamber and immersing the workpieces (see col. 3, lines 37-50), introducing a vapor (see "sprayed" in col. 3, lines 62-64),

pivoting the chamber to remove the process liquid (see col. 3, lines 65-68), enclosing the chamber with an outer containment chamber (see "sink" disclosure in col. 3, lines 25-27) . Re claims 3 & 12, MCMILLAN further discloses springs 46 (col. 3, lines 7-21) on the bottom of the workpiece holder for resilient support but doesn't explicitly disclose rotating the workpiece holder to provide fluid agitation. The position is taken that one of ordinary skill would recognize that operation of the workpiece holder having such resilient supports would inherently create a certain degree of rotation about a central axis of the workpiece holder bottom during contact of the springs with the bottom of the chamber/container 40. Since applicant does not define any degree of rotation, the position is taken that any degree of rotation of a workpiece holder reads on applicant's claimed invention. Accordingly, recitation of MCMILLAN reads on applicant's claims.

Terminal Disclaimer

6. The terminal disclaimer filed on 15 November 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,427,359 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

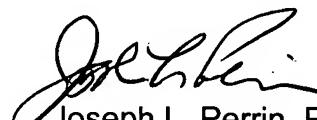
7. Claims 19-20 and 22 are allowed.
8. Claims 7, 9, 11, 16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, MCMILLAN, does not teach or reasonably suggest the method steps of claims 7, 9, 11, 18, 18-20 or 22.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1746

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph L. Perrin, Ph.D.
Examiner
Art Unit 1746

jlp